



Rep. Delia C. Ramirez

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1 AMENDMENT TO SENATE BILL 2065

2 AMENDMENT NO. _____. Amend Senate Bill 2065 on page 1,
3 immediately below line 22, by inserting the following:

4 "Section 10. The Illinois Procurement Code is amended by
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 bidders, offerors, potential contractors, or contractors were
10 first solicited on or after July 1, 1998. This Code shall not
11 be construed to affect or impair any contract, or any
12 provision of a contract, entered into based on a solicitation
13 prior to the implementation date of this Code as described in
14 Article 99, including, but not limited to, any covenant
15 entered into with respect to any revenue bonds or similar
16 instruments. All procurements for which contracts are

1 solicited between the effective date of Articles 50 and 99 and
2 July 1, 1998 shall be substantially in accordance with this
3 Code and its intent.

4 (b) This Code shall apply regardless of the source of the
5 funds with which the contracts are paid, including federal
6 assistance moneys. This Code shall not apply to:

7 (1) Contracts between the State and its political
8 subdivisions or other governments, or between State
9 governmental bodies, except as specifically provided in
10 this Code.

11 (2) Grants, except for the filing requirements of
12 Section 20-80.

13 (3) Purchase of care, except as provided in Section
14 5-30.6 of the Illinois Public Aid Code and this Section.

15 (4) Hiring of an individual as employee and not as an
16 independent contractor, whether pursuant to an employment
17 code or policy or by contract directly with that
18 individual.

19 (5) Collective bargaining contracts.

20 (6) Purchase of real estate, except that notice of
21 this type of contract with a value of more than \$25,000
22 must be published in the Procurement Bulletin within 10
23 calendar days after the deed is recorded in the county of
24 jurisdiction. The notice shall identify the real estate
25 purchased, the names of all parties to the contract, the
26 value of the contract, and the effective date of the

1 contract.

2 (7) Contracts necessary to prepare for anticipated
3 litigation, enforcement actions, or investigations,
4 provided that the chief legal counsel to the Governor
5 shall give his or her prior approval when the procuring
6 agency is one subject to the jurisdiction of the Governor,
7 and provided that the chief legal counsel of any other
8 procuring entity subject to this Code shall give his or
9 her prior approval when the procuring entity is not one
10 subject to the jurisdiction of the Governor.

11 (8) (Blank).

12 (9) Procurement expenditures by the Illinois
13 Conservation Foundation when only private funds are used.

14 (10) (Blank).

15 (11) Public-private agreements entered into according
16 to the procurement requirements of Section 20 of the
17 Public-Private Partnerships for Transportation Act and
18 design-build agreements entered into according to the
19 procurement requirements of Section 25 of the
20 Public-Private Partnerships for Transportation Act.

21 (12) Contracts for legal, financial, and other
22 professional and artistic services entered into ~~on or~~
23 ~~before December 31, 2018~~ by the Illinois Finance Authority
24 or the Illinois Housing Development Authority in which the
25 State of Illinois is not obligated. Such contracts shall
26 be awarded through a competitive process authorized by the

1 members ~~Board~~ of the Illinois Finance Authority or the
2 members of the Illinois Housing Development Authority and
3 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
4 and 50-37 of this Code, as well as the final approval by
5 the members ~~Board~~ of the Illinois Finance Authority or the
6 members of the Illinois Housing Development Authority of
7 the terms of the contract.

8 (13) Contracts for services, commodities, and
9 equipment to support the delivery of timely forensic
10 science services in consultation with and subject to the
11 approval of the Chief Procurement Officer as provided in
12 subsection (d) of Section 5-4-3a of the Unified Code of
13 Corrections, except for the requirements of Sections
14 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
15 Code; however, the Chief Procurement Officer may, in
16 writing with justification, waive any certification
17 required under Article 50 of this Code. For any contracts
18 for services which are currently provided by members of a
19 collective bargaining agreement, the applicable terms of
20 the collective bargaining agreement concerning
21 subcontracting shall be followed.

22 On and after January 1, 2019, this paragraph (13),
23 except for this sentence, is inoperative.

24 (14) Contracts for participation expenditures required
25 by a domestic or international trade show or exhibition of
26 an exhibitor, member, or sponsor.

1 (15) Contracts with a railroad or utility that
2 requires the State to reimburse the railroad or utilities
3 for the relocation of utilities for construction or other
4 public purpose. Contracts included within this paragraph
5 (15) shall include, but not be limited to, those
6 associated with: relocations, crossings, installations,
7 and maintenance. For the purposes of this paragraph (15),
8 "railroad" means any form of non-highway ground
9 transportation that runs on rails or electromagnetic
10 guideways and "utility" means: (1) public utilities as
11 defined in Section 3-105 of the Public Utilities Act, (2)
12 telecommunications carriers as defined in Section 13-202
13 of the Public Utilities Act, (3) electric cooperatives as
14 defined in Section 3.4 of the Electric Supplier Act, (4)
15 telephone or telecommunications cooperatives as defined in
16 Section 13-212 of the Public Utilities Act, (5) rural
17 water or waste water systems with 10,000 connections or
18 less, (6) a holder as defined in Section 21-201 of the
19 Public Utilities Act, and (7) municipalities owning or
20 operating utility systems consisting of public utilities
21 as that term is defined in Section 11-117-2 of the
22 Illinois Municipal Code.

23 (16) Procurement expenditures necessary for the
24 Department of Public Health to provide the delivery of
25 timely newborn screening services in accordance with the
26 Newborn Metabolic Screening Act.

1 (17) Procurement expenditures necessary for the
2 Department of Agriculture, the Department of Financial and
3 Professional Regulation, the Department of Human Services,
4 and the Department of Public Health to implement the
5 Compassionate Use of Medical Cannabis Program and Opioid
6 Alternative Pilot Program requirements and ensure access
7 to medical cannabis for patients with debilitating medical
8 conditions in accordance with the Compassionate Use of
9 Medical Cannabis Program Act.

10 (18) This Code does not apply to any procurements
11 necessary for the Department of Agriculture, the
12 Department of Financial and Professional Regulation, the
13 Department of Human Services, the Department of Commerce
14 and Economic Opportunity, and the Department of Public
15 Health to implement the Cannabis Regulation and Tax Act if
16 the applicable agency has made a good faith determination
17 that it is necessary and appropriate for the expenditure
18 to fall within this exemption and if the process is
19 conducted in a manner substantially in accordance with the
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
23 Section 50-35, compliance applies only to contracts or
24 subcontracts over \$100,000. Notice of each contract
25 entered into under this paragraph (18) that is related to
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be
2 published in the Procurement Bulletin within 14 calendar
3 days after contract execution. The Chief Procurement
4 Officer shall prescribe the form and content of the
5 notice. Each agency shall provide the Chief Procurement
6 Officer, on a monthly basis, in the form and content
7 prescribed by the Chief Procurement Officer, a report of
8 contracts that are related to the procurement of goods and
9 services identified in this subsection. At a minimum, this
10 report shall include the name of the contractor, a
11 description of the supply or service provided, the total
12 amount of the contract, the term of the contract, and the
13 exception to this Code utilized. A copy of any or all of
14 these contracts shall be made available to the Chief
15 Procurement Officer immediately upon request. The Chief
16 Procurement Officer shall submit a report to the Governor
17 and General Assembly no later than November 1 of each year
18 that includes, at a minimum, an annual summary of the
19 monthly information reported to the Chief Procurement
20 Officer. This exemption becomes inoperative 5 years after
21 June 25, 2019 (the effective date of Public Act 101-27)
22 ~~this amendatory Act of the 101st General Assembly.~~

23 Notwithstanding any other provision of law, for contracts
24 entered into on or after October 1, 2017 under an exemption
25 provided in any paragraph of this subsection (b), except
26 paragraph (1), (2), or (5), each State agency shall post to the

1 appropriate procurement bulletin the name of the contractor, a
2 description of the supply or service provided, the total
3 amount of the contract, the term of the contract, and the
4 exception to the Code utilized. The chief procurement officer
5 shall submit a report to the Governor and General Assembly no
6 later than November 1 of each year that shall include, at a
7 minimum, an annual summary of the monthly information reported
8 to the chief procurement officer.

9 (c) This Code does not apply to the electric power
10 procurement process provided for under Section 1-75 of the
11 Illinois Power Agency Act and Section 16-111.5 of the Public
12 Utilities Act.

13 (d) Except for Section 20-160 and Article 50 of this Code,
14 and as expressly required by Section 9.1 of the Illinois
15 Lottery Law, the provisions of this Code do not apply to the
16 procurement process provided for under Section 9.1 of the
17 Illinois Lottery Law.

18 (e) This Code does not apply to the process used by the
19 Capital Development Board to retain a person or entity to
20 assist the Capital Development Board with its duties related
21 to the determination of costs of a clean coal SNG brownfield
22 facility, as defined by Section 1-10 of the Illinois Power
23 Agency Act, as required in subsection (h-3) of Section 9-220
24 of the Public Utilities Act, including calculating the range
25 of capital costs, the range of operating and maintenance
26 costs, or the sequestration costs or monitoring the

1 construction of clean coal SNG brownfield facility for the
2 full duration of construction.

3 (f) (Blank).

4 (g) (Blank).

5 (h) This Code does not apply to the process to procure or
6 contracts entered into in accordance with Sections 11-5.2 and
7 11-5.3 of the Illinois Public Aid Code.

8 (i) Each chief procurement officer may access records
9 necessary to review whether a contract, purchase, or other
10 expenditure is or is not subject to the provisions of this
11 Code, unless such records would be subject to attorney-client
12 privilege.

13 (j) This Code does not apply to the process used by the
14 Capital Development Board to retain an artist or work or works
15 of art as required in Section 14 of the Capital Development
16 Board Act.

17 (k) This Code does not apply to the process to procure
18 contracts, or contracts entered into, by the State Board of
19 Elections or the State Electoral Board for hearing officers
20 appointed pursuant to the Election Code.

21 (l) This Code does not apply to the processes used by the
22 Illinois Student Assistance Commission to procure supplies and
23 services paid for from the private funds of the Illinois
24 Prepaid Tuition Fund. As used in this subsection (l), "private
25 funds" means funds derived from deposits paid into the
26 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

1 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
2 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
3 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
4 9-17-19.)".